

SUM-100

**SUMMONS**  
**(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:**  
**(AVISO AL DEMANDADO):**

CALIFORNIA TURBINE SERVICE, INC., See Attachment A

**YOU ARE BEING SUED BY PLAINTIFF:**

**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

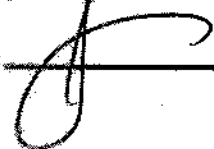
CHERYL KIRKWOOD, See Attachment A

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)  
**CONFORMED COPY**

OF ORIGINAL FILED  
Los Angeles Superior Court

AUG 13 2007

John A. Clarke, Executive Officer/Clerk

By 

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

Superior Court of California for the County of Los Angeles  
Northern District, Michael D. Antonovich Antelope Valley Courthouse  
42011 4th Street West, Lancaster, California 93534

CASE NUMBER:  
(Número del Caso):

MC018415

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Stuart R. Fraenkel (CA SBN 173991), KREINDLER & KREINDLER LLP  
707 Wilshire Boulevard, Suite 4100, Los Angeles, CA 90017, tel: (213) 622-6469

DATE: AUG 13 2007  
(Fecha)

Clerk, by S. Ward, Deputy  
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

**NOTICE TO THE PERSON SERVED:** You are served

1. ☒ as an individual defendant.  
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):

4. ☐ by personal delivery on (date):

**ATTACHMENT A**

CHERYL KIRKWOOD, INDIVIDUALLY, AND AS GUARDIAN AD LITEM OF CORY MANNING, A MINOR, AS SUCCESSOR IN INTEREST AND AS A PERSONAL REPRESENTATIVE OF THE ESTATE OF RICKY MANNING; AND TAYLOR MANNING, INDIVIDUALLY, AS SUCCESSOR IN INTEREST AND AS A PERSONAL REPRESENTATIVE OF THE ESTATE OF RICKY MANNING;

Plaintiffs,

-VS-

CALIFORNIA TURBINE SERVICE, INC., EXTEX, LTD., HELIPOWER SERVICE, INC., HELIPOWER SERVICE, LLC, SAN JOAQUIN ROTOR AND WING REPAIR, SAN JOAQUIN HELICOPTERS, INC., ROLLS-ROYCE CORPORATION, (formerly Allison Engine Co.), a wholly owned subsidiary of Rolls-Royce PLC, and DOES 1 through 50, inclusive,

Defendants.

1 STUART R. FRAENKEL (State Bar #173991)  
DAN NELSON

2 **KREINDLER & KREINDLER LLP**

707 Wilshire Boulevard, Suite 4100

3 Los Angeles, CA 90017

(213) 622-6469 Office Phone

4 (213) 622-6019 Facsimile

-and-

5 ROBERT F. HEDRICK

**HEDRICK SMITH PLLC**

800 Fifth Avenue, Suite 4000

Seattle, Washington 98104-3179

6 (206) 464-1166

7 (206) 464-1811 facsimile

8 Attorneys for Plaintiffs

CONFIRMED COPY  
OF COURT FILED  
Los Angeles Superior Court

AUG 09 2007

John A. Clarke, Executive Officer/Clerk  
By \_\_\_\_\_

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **FOR THE COUNTY OF LOS ANGELES**  
13 **NORTHERN DISTRICT**

14 CHERYL KIRKWOOD, INDIVIDUALLY,  
15 AND AS GUARDIAN AD LITEM OF  
16 CORY MANNING, A MINOR, AS  
17 SUCCESSOR IN INTEREST AND AS A  
18 PERSONAL REPRESENTATIVE OF THE  
19 ESTATE OF RICKY MANNING; AND  
TAYLOR MANNING, INDIVIDUALLY,  
AS SUCCESSOR IN INTEREST AND AS  
A PERSONAL REPRESENTATIVE OF  
THE ESTATE OF RICKY MANNING;

20 Plaintiffs,

21 -VS-

22 CALIFORNIA TURBINE SERVICE, INC.,  
23 EXTEX, LTD., HELIPOWER SERVICE,  
24 INC., HELIPOWER SERVICE, LLC, SAN  
JOAQUIN ROTOR AND WING REPAIR,  
25 SAN JOAQUIN HELICOPTERS, INC.,  
ROLLS-ROYCE CORPORATION,  
(formerly Allison Engine Co.), a wholly  
owned subsidiary of Rolls-Royce PLC, and  
26 DOES 1 through 50, inclusive,

27 Defendants.

CASE NO. MC018415

**COMPLAINT FOR DAMAGES FOR  
WRONGFUL DEATH**

**JURY TRIAL DEMANDED**

1 Plaintiffs CHERYL KIRKWOOD, INDIVIDUALLY, AND AS GUARDIAN AD  
2 LITEM OF CORY MANNING, A MINOR, AS SUCCESSOR IN INTEREST AND AS  
3 A PERSONAL REPRESENTATIVE OF THE ESTATE OF RICKY MANNING; and  
4 TAYLOR MANNING, INDIVIDUALLY, AS SUCCESSOR IN INTEREST AND AS  
5 A PERSONAL REPRESENTATIVE OF THE ESTATE OF RICKY MANNING sue  
6 defendants CALIFORNIA TURBINE SERVICE, INC., EXTEX, LTD, HELIPOWER  
7 SERVICE, INC., HELIPOWER SERVICE, LLC, SAN JOAQUIN ROTOR AND  
8 WING REPAIR, SAN JOAQUIN HELICOPTERS, INC, and ROLLS-ROYCE  
9 CORPORATION for damages for wrongful death and property damages, and  
10 respectfully alleges in support thereof as follows:

11  
12 **GENERAL ALLEGATIONS**

13 1. Plaintiff Cheryl Kirkwood is an heir, Successor in Interest, and a Personal  
14 Representative of the ESTATE of Ricky Manning, deceased. Cory Manning is a minor  
15 child of Plaintiff Cheryl Kirkwood and decedent Ricky Manning. Plaintiffs are citizens  
16 and residents of the State of Washington.

17  
18 2. Plaintiff Cheryl Kirkwood, as an heir, Successor in Interest and a Personal  
19 Representative of the ESTATE of Ricky Manning, deceased, hereby asserts a claim for  
20 wrongful death, pursuant to California Code of Civil Procedure Section 377.60, *et seq.*  
21 or any other law the court deems to apply.

22  
23 3. Plaintiff Taylor Manning is a child of Plaintiff Cheryl Kirkwood and decedent  
24 Ricky Manning who has reached majority as of the date of this filing. Plaintiff Taylor  
25 Manning hereby asserts claims for the death of her father, Ricky Manning, pursuant to  
26 California Code of Civil Procedure Section 377.60, *et seq.* or any other law the court  
27 deems to apply.

1 4. Plaintiffs Cheryl Kirkwood and Taylor Manning, as successors in interest and as  
2 Personal Representatives of the Estate of Ricky Manning, and Cheryl Kirkwood, on  
3 behalf of Cory Manning, minor, hereby asserts a survivors claim on behalf of Ricky  
4 Manning, deceased, pursuant to California Code of Civil Procedure, Sections 377.10,  
5 377.20 and 377.30 *et seq.* and succeeds to causes of action that might have been brought  
6 by decedent. Plaintiff will execute and file a declaration under penalty of perjury  
7 required by California Code of Civil Procedure, Section 377.32.

8  
9 5. Plaintiffs are informed and believe and thereon allege that at all times herein  
10 mentioned, defendants CALIFORNIA TURBINE SERVICE, INC. (hereinafter  
11 "CALIFORNIA TURBINE") and DOES 1-10, inclusive, and each of them, were  
12 California corporations and were authorized to, and were doing business in, the State of  
13 California. Plaintiff is further informed and believes and thereon alleges that at all times  
14 herein mentioned, defendants CALIFORNIA TURBINE and DOES 1-10, inclusive,  
15 were engaged in the business of inspecting, servicing, repairing, overhauling, certifying,  
16 testing and/or maintaining various aircraft, including the subject helicopter, an OH-58A+  
17 Helicopter, N177SJ.

18  
19 6. Plaintiffs are informed and believe and thereon allege that at all times herein  
20 mentioned, defendants EXTEX, LTD.(hereinafter "EXTEx") and DOES 11-20,  
21 inclusive, and each of them, were Ohio corporations and were authorized to, and were  
22 doing business in, the State of California. Plaintiffs are further informed and believe and  
23 thereon allege that at all times herein mentioned, defendants EXTEX and DOES 11-20,  
24 inclusive, were engaged in the business of manufacturing and marketing aftermarket  
25 aircraft engine parts, including but not limited to, the power turbine to pinion gear  
26 coupling on the subject helicopter engine at the time of the crash.

1 7. Plaintiffs are informed and believe and thereon allege that at all times herein  
2 mentioned, defendants HELIPOWER SERVICE, INC.(hereinafter "HELIPOWER,  
3 INC.") and DOES 21-25, inclusive, and each of them, were California corporations and  
4 were authorized to, and were doing business in, the State of California. Plaintiffs are  
5 further informed and believe and thereon allege that at all times herein mentioned,  
6 defendants HELIPOWER, INC. and DOES 21-25, inclusive, were engaged in the  
7 business of inspecting, servicing, repairing, overhauling, certifying, testing and/or  
8 maintaining the subject helicopter and its component parts and systems, including, but  
9 not limited to, the subject helicopter engine turbine assembly.

10  
11 8. Plaintiffs are informed and believe and thereon allege that at all times herein  
12 mentioned, defendants HELIPOWER SERVICE, LLC (hereinafter "HELIPOWER,  
13 LLC") and DOES 26-30, inclusive, and each of them, were Delaware limited liability  
14 companies and were authorized to, and were doing business in, the State of California.  
15 Plaintiffs are further informed and believe and thereon allege that at all times herein  
16 mentioned, defendants HELIPOWER, LLC and DOES 26-30, inclusive, were engaged  
17 in the business of inspecting, servicing, repairing, overhauling, certifying, testing and/or  
18 maintaining the subject helicopter and its component parts and systems, including but not  
19 limited to, the subject helicopter engine turbine assembly.

20  
21 9. Plaintiffs are informed and believe and thereon allege that at all times herein  
22 mentioned, defendants SAN JOAQUIN ROTOR AND WING REPAIR (hereinafter  
23 "SAN JOAQUIN ROTOR"), and DOES 31-35, inclusive, and each of them, were  
24 California Corporations and were authorized to, and were doing business, in the State of  
25 California. Plaintiffs are further informed and believe and thereon allege that at all times  
26 herein mentioned, defendants SAN JOAQUIN and DOES 31-35, inclusive, were  
27 engaged in the business of owning, operating, inspecting, servicing, repairing,  
28

1 overhauling, certifying, testing and/or maintaining the subject aircraft and its component  
2 parts and systems.

3  
4 10. Plaintiffs are informed and believe and thereon allege that at all times herein  
5 mentioned, defendants SAN JOAQUIN HELICOPTERS, INC. (hereinafter "SAN  
6 JOAQUIN, INC.") and DOES 36-40, inclusive, and each of them, were California  
7 Corporations and were authorized to, and were doing business, in the State of California.  
8 Plaintiffs are further informed and believe and thereon allege that at all times herein  
9 mentioned, defendants SAN JOAQUIN, INC. and DOES 36-40, inclusive, were engaged  
10 in the business of owning, operating, inspecting, servicing, repairing, overhauling,  
11 certifying, testing and/or maintaining the subject aircraft and its component parts and  
12 systems.

13  
14 11. Plaintiffs are informed and believe and thereon allege that at all times herein  
15 mentioned, defendants ROLLS-ROYCE CORPORATION (hereinafter "ROLLS-  
16 ROYCE"), and DOES 41-45, inclusive, and each of them, were Delaware corporations  
17 and were authorized to, and were doing business, in the State of California. Plaintiffs are  
18 further informed and believe and thereon allege that at all times herein mentioned,  
19 defendants ROLLS-ROYCE and DOES 41-45, inclusive, were engaged in the business  
20 of manufacturing gas turbine engines, including the Allison T63-A720 (Commercial  
21 Version 250-C20C, Serial Number CAE406008) four-stage turbine engine in service on  
22 the subject accident aircraft at the time of the subject crash.

23  
24 12. Plaintiffs are informed and believe and thereon allege that at all times herein  
25 mentioned, defendants DOES 45-50, inclusive, and each of them, are individuals and  
26 business organizations, the precise nature of which is not presently known to plaintiffs,  
27 and said defendants were authorized to and were doing business in, the County of Los  
28 Angeles, State of California. Once the exact business nature of said defendants is

1 ascertained by plaintiffs, the complaint will be amended to allege said defendants'  
2 correct business status and capacity. Plaintiffs are further informed and believe and  
3 thereon allege that at all times herein mentioned, defendants DOES 45-50, inclusive,  
4 were involved in the cause or contributed to the subject accident and/or injuries to the  
5 plaintiff.

6  
7 13. The full extent of the facts linking the fictitiously designated DOE defendants  
8 with the causes of action herein alleged are unknown to the plaintiffs, or their true names  
9 and/or capacities, whether they are individual, plural, corporate, partnership, associate or  
10 otherwise. Defendants DOES 1 through 50, inclusive, are unknown to plaintiffs.  
11 Plaintiffs therefore sue said defendants by such fictitious names. Plaintiffs are informed  
12 and believe and thereon allege that each of the defendants designated herein as a DOE is  
13 careless, negligent, wanton, reckless, tortious and unlawfully responsible in some  
14 manner for the events and happenings hereinafter referred to and carelessly, negligently,  
15 wantonly, recklessly, tortiously, wrongfully and unlawfully caused or contributed to the  
16 cause of the injuries and damages thereby to plaintiffs as herein alleged. Plaintiffs will  
17 seek leave of court to amend this complaint to show said defendants' true names and/or  
18 capacities after the same has been ascertained.

19  
20 14. Plaintiffs are informed and believe and thereon allege that at all times relevant  
21 hereto, the defendants, and each of them, were the agents, servants, employees and joint  
22 venturers of the other remaining defendants, and were at all times herein mentioned,  
23 acting within the course, scope and purpose of said agency, employment and joint  
24 venture.

25  
26 15. On or about August 10, 2005, plaintiffs' decedent was the pilot of a an OH-58A+  
27 Helicopter, registration number N177SJ., which was equipped with an Allison T63-A720  
28 engine, on an aerial application flight near Lancaster, California. During the flight,



1 through no fault of plaintiffs' decedent, the helicopter's engine failed, resulting in the  
2 crash of the helicopter and the death of plaintiffs' decedent.

3  
4 16. That by reason of all of the foregoing, and as a result of the careless, negligent,  
5 wanton, reckless and unlawful acts and omissions of the defendants, and each of them,  
6 as stated herein, and as a direct consequence and result of the crash and the matters  
7 herein alleged plaintiffs have sustained economic and non-economic damages, funeral  
8 and burial expenses, property damage and all other damages available by law.

9  
10 17. Immediately prior to his death and as a direct consequence and result of the  
11 matters herein alleged, plaintiffs' decedent suffered pre-impact fear and terror, physical  
12 injury, pain and suffering, fear of burning, property damage and was injured in a  
13 personal and pecuniary manner.

14  
15 18. As a direct consequence and result of the crash of the subject airplane, Decedent's  
16 personal property was lost and destroyed.

17  
18 **FIRST CAUSE OF ACTION**  
19 **AGAINST DEFENDANTS**  
20 **CALIFORNIA TURBINE AND DOES 1-10,**  
21 **HELIPOWER, INC., HELIPOWER, LLC AND DOES 21-30,**  
22 **SAN JOAQUIN ROTOR, SAN JOAQUIN, INC. AND DOES 31-40**  
23 **FOR NEGLIGENCE**

24  
25 19. Plaintiffs hereby incorporates each and every allegation contained in paragraphs 1  
26 through 18.

27  
28 20. Plaintiffs are informed and believe and thereon allege that at all times relevant  
hereto, defendants CALIFORNIA TURBINE and DOES 1-10, HELIPOWER, INC.,  
HELIPOWER, LLC AND DOES 21-30, SAN JOAQUIN ROTOR, SAN JOAQUIN,  
INC. and DOES 31-40, owed decedent a duty to exercise reasonable care in the

1 inspecting, servicing, repairing, overhauling, certifying, testing, warning and/or  
2 maintaining of the subject helicopter, an OH-58A+ Helicopter, N177SJ.

3  
4 21. Plaintiffs are informed and believe and thereon allege that at all times relevant  
5 hereto, prior to August 10, 2005, defendants inspected, serviced, repaired, overhauled,  
6 certified, tested, maintained, and/or supervised the service, maintenance and repair of the  
7 subject helicopter and/or its component parts.

8  
9 22. Plaintiffs are informed and believe and thereon allege that at all times relevant  
10 hereto, said crash, death and resulting damages were caused or contributed to by the acts  
11 or omissions of defendants, by and through their officers, agents, employees and  
12 servants, in that they carelessly, wantonly, recklessly and negligently inspected,  
13 serviced, repaired, overhauled, certified, tested, warned or failed to warn, maintained,  
14 and/or negligently supervised the service, maintenance and repair of the subject  
15 helicopter and/or its component parts.

16  
17 23. As a direct and proximate result of the acts and omissions of defendants, plaintiffs  
18 have sustained the injuries and damages alleged herein in an amount according to proof  
19 at time of trial.

20  
21 **SECOND CAUSE OF ACTION**  
22 **AGAINST DEFENDANTS**  
**EXTEX, LTD. AND DOES 11-20**  
**FOR NEGLIGENCE**

23 24. Plaintiffs hereby incorporates each and every allegation contained in paragraphs 1  
24 through 18.

25  
26 25. Plaintiffs are informed and believes and thereon alleges that at all times relevant  
27 hereto, defendants EXTEX and DOES 11-20, owed decedent a duty to exercise  
28 reasonable care in the design, manufacture, testing, warning and distribution of

1 aftermarket aircraft engine parts, including but not limited to, the power turbine to pinion  
2 gear coupling on the subject helicopter engine, its component parts and manuals, at the  
3 time of the crash.

4  
5 26. Plaintiffs are informed and believe and thereon allege that at all times relevant  
6 hereto, prior to August 10, 2005, defendants, manufactured aftermarket aircraft engine  
7 parts, including but not limited to, the power turbine to pinion gear coupling on the  
8 subject helicopter engine, its component parts and manuals, at the time of the crash.

9  
10 27. Plaintiffs are informed and believe and thereon allege that at all times relevant  
11 hereto, said crash, death and resulting damages were caused or contributed to by the acts  
12 or omissions of defendants, by and through their officers, agents, employees and  
13 servants, in that they carelessly, wantonly, recklessly and negligently designed,  
14 manufactured, tested, warned or failed to warn, and distributed the subject aftermarket  
15 aircraft engine parts, including but not limited to, the power turbine to pinion gear  
16 coupling on the subject helicopter engine, its component parts and manuals, at the time  
17 of the crash.

18  
19 28. As a direct and proximate result of the acts and omissions of defendants, plaintiffs  
20 have sustained the injuries and damages alleged herein in an amount according to proof  
21 at time of trial.

22  
23 **THIRD CAUSE OF ACTION**  
24 **AGAINST DEFENDANTS**  
**ROLLS-ROYCE AND DOES 41-45**  
**FOR NEGLIGENCE**

25 29. Plaintiffs hereby incorporate each and every allegation contained in paragraphs 1  
26 through 18.

1 30. Plaintiffs are informed and believe and thereon allege that at all times relevant  
2 hereto, defendants ROLLS-ROYCE and DOES 41-45, owed decedent a duty to exercise  
3 reasonable care in the design, manufacture, testing, warning, and distribution of Allison  
4 T63-A720 (Commercial Version 250-C20C, Serial Number CAE406008) four-stage  
5 turbine engine, and its component parts, including the manuals and service bulletins, in  
6 service on the subject accident aircraft at the time of the subject crash.

7  
8 31. Plaintiffs are informed and believe and thereon allege that at all times relevant  
9 hereto, prior to August 10, 2005, defendants designed, manufactured, tested and  
10 distributed the Allison T63-A720 (Commercial Version 250-C20C, Serial Number  
11 CAE406008) four-stage turbine engine, and its component parts, including the manuals  
12 and service bulletins, in service on the subject accident aircraft at the time of the subject  
13 crash.

14  
15 32. Plaintiffs is informed and believes and thereon alleges that at all times relevant  
16 hereto, said crash, death and resulting damages were caused or contributed to by the acts  
17 or omissions of defendants, by and through its officers, agents, employees and servants,  
18 in that they carelessly, wantonly, recklessly and negligently designed, manufactured,  
19 tested, warned or failed to warn and distributed the Allison T63-A720 (Commercial  
20 Version 250-C20C, Serial Number CAE406008) four-stage turbine engine, and its  
21 component parts, including the manuals and service bulletins, in service on the subject  
22 accident aircraft at the time of the subject crash.

23  
24 33. As a direct and proximate result of the acts and omissions of defendants, plaintiffs  
25 have sustained the injuries and damages alleged herein in an amount according to proof  
26 at time of trial.

27 ///

28 ///

**FOURTH CAUSE OF ACTION  
AGAINST DEFENDANTS  
EXTEX AND DOES 11-20  
FOR STRICT PRODUCT LIABILITY**

34. Plaintiffs hereby incorporate each and every allegation contained in paragraphs 1 through 18 and 25 through 28.

35. Plaintiffs are informed and believe and thereon allege that at all times relevant hereto, prior to August 10, 2005, defendants EXTEX and DOES 11-20, designed, manufactured, assembled, inspected, tested and distributed the subject helicopter's power turbine to pinion gear coupling on the subject helicopter engine, its component parts and manuals, at the time of the crash, and certified the subject parts as airworthy and distributed, marketed, sold, placed the subject aircraft engine in the stream of commerce.

36. Plaintiffs are informed and believe and thereon allege that at all times relevant hereto, on August 10, 2005, the subject helicopter and its component parts were being operated and used for the purposes and in the manner for which they were designed, manufactured, assembled, inspected, tested, distributed, marketed, sold and intended to be used and in a manner reasonably foreseeable to defendants.

37. Plaintiffs are informed and believe and thereon allege that at all times relevant hereto, on August 10, 2005, the subject helicopter and its component parts, were defective and unreasonably dangerous and unsafe by reason of defendants' defective design, manufacture, assembly, inspection, testing, approving the installation of component parts, warnings and instructions, and sale of the subject helicopter's power turbine to pinion gear coupling and its component parts, manuals and service bulletins.

1 38. Plaintiffs are informed and believes and thereon alleges that at all times relevant  
2 hereto, the crash of the subject helicopter, death and resulting damages were caused by  
3 said defects in the design, manufacture, assembly, inspection, testing of the subject  
4 helicopter and its component parts, and in approving the installation of component parts,  
5 warnings and instructions, and sale of the subject helicopter and its component parts by  
6 defendants, and each of them.

7  
8 39. As a direct and proximate result of the acts and omissions of defendants, plaintiffs  
9 have sustained the injuries and damages alleged herein in an amount according to proof  
10 at time of trial.

11  
12 **FIFTH CAUSE OF ACTION**  
13 **AGAINST DEFENDANTS**  
14 **ROLLS-ROYCE AND DOES 41-45**  
15 **FOR STRICT PRODUCT LIABILITY**

16 40. Plaintiff hereby incorporates each and every allegation contained in paragraphs 1  
17 through 18 and 30 through 33.

18 41. Plaintiffs are informed and believe and thereon allege that at all times relevant  
19 hereto, prior to August 10, 2005, defendants ROLLS-ROYCE and DOES 41-45,  
20 designed, manufactured, assembled, inspected, tested and distributed the subject  
21 helicopter's engine and component parts, manuals and service bulletins, and certified the  
22 subject parts as airworthy and distributed, marketed, sold, placed the subject aircraft  
23 engine in the stream of commerce.

24 42. Plaintiffs are informed and believe and thereon allege that at all times relevant  
25 hereto, on August 10, 2005, the subject helicopter and its component parts were being  
26 operated and used for the purposes and in the manner for which they were designed,  
27  
28

1 manufactured, assembled, inspected, tested, distributed, marketed, sold and intended to  
2 be used and in a manner reasonably foreseeable to defendants.

3  
4 43. Plaintiffs are informed and believe and thereon allege that at all times relevant  
5 hereto, on August 10, 2005, the subject helicopter and its component parts, were  
6 defective and unreasonably dangerous and unsafe by reason of defendants' defective  
7 design, manufacture, assembly, inspection, testing, approving the installation of  
8 component parts, warnings and instructions, and sale of the subject helicopter's engine  
9 and its component parts, manuals and service bulletins.

10  
11 44. Plaintiffs are informed and believes and thereon alleges that at all times relevant  
12 hereto, the crash of the subject helicopter, death and resulting damages were caused by  
13 said defects in the design, manufacture, assembly, inspection, testing of the subject  
14 helicopter and its component parts, and in approving the installation of component parts,  
15 warnings and instructions, and sale of the subject helicopter and its component parts by  
16 defendants, and each of them.

17  
18 45. As a direct and proximate result of the acts and omissions of defendants, plaintiffs  
19 have sustained the injuries and damages alleged herein in an amount according to proof  
20 at time of trial.

21  
22 46. To the extent that defendants CALIFORNIA TURBINE SERVICE, INC.,  
23 HELIPOWER SERVICE, INC., HELIPOWER SERVICE, LLC, SAN JOAQUIN  
24 ROTOR, SAN JOAQUIN HELICOPTERS, INC, are considered manufacturers and/or  
25 suppliers of the subject products and component parts, they are also strictly liable.

26 ///

27 ///

**EIGHTH CAUSE OF ACTION  
AGAINST ALL DEFENDANTS  
FOR BREACH OF WARRANTY**

47. Plaintiff hereby incorporates each and every allegation contained in paragraphs 1 through 46.

48. Plaintiffs are informed and believe and thereon allege that at all times relevant hereto, prior to August 10, 2005, defendants, and each of them, expressly and/or impliedly warranted and represented that the subject helicopter and its component parts, were airworthy, of merchantable quality, fit and safe for the purposes for which they were designed, manufactured, assembled, inspected, tested, marketed, distributed, sold, serviced, repaired, maintained, intended and used and defendants further warranted that the subject aircraft, manuals and its component parts were free from all defects.

49. Plaintiffs are informed and believe and thereon allege that at all times relevant hereto, defendants and each of them, breached said warranties in that the subject helicopter and its component parts were not airworthy, of merchantable quality or fit and safe for the purposes for which they were designed, manufactured, assembled, inspected, tested, marketed, distributed, sold, serviced, repaired, maintained, intended and used and further were not free from all defects.

50. Plaintiffs' decedent was in privity with defendants directly, by way of his status as an employee of the purchaser of the above products and services, as a third-party beneficiary, or as otherwise recognized by law.

51. Plaintiffs are informed and believe and thereon allege that at all times relevant hereto, the crash of the subject aircraft, injuries and resulting damages were caused by said breaches of warranties by defendants, and each of them.



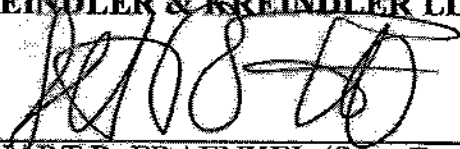
52. As a direct and proximate result of the acts and omissions of defendants, plaintiffs have sustained the injuries and damages alleged herein in an amount according to proof at time of trial.

WHEREFORE, plaintiffs expressly reserve their right to amend the complaint up to and including the time of trial to include all theories of recovery and items of damages not yet ascertained, demand judgments against defendants, and each of them as follows:

1. For general damages, special damages, and property damages, according to proof;
2. For funeral and burial expenses, according to proof;
3. For prejudgment interest according to proof and for reasonable attorneys' fees incurred herein according to proof and to the extent authorized by law;
4. For costs of suit incurred herein; and
5. For such other and further relief as the Court may deem just and proper.

Dated: August 7, 2007

Respectfully submitted,  
**KREINDLER & KREINDLER LLP**

By:   
STUART R. FRAENKEL (State Bar #173991)  
707 Wilshire Boulevard, Suite 4100  
Los Angeles, CA 90017  
(213) 622-6469 Office Phone  
(213) 622-6019 Facsimile

-and-

ROBERT F. HEDRICK  
**HEDRICK SMITH PLLC**  
800 Fifth Avenue, Suite 4000  
Seattle, Washington 98104-3179  
(206) 464-1166  
(206) 464-1811 facsimile

Attorneys for Plaintiffs

**DEMAND FOR JURY TRIAL**

Plaintiffs respectfully request that a jury be empaneled to decide all factual issues  
of this case.

Dated: August 7, 2007

Respectfully submitted,  
**KREINDLER & KREINDLER LLP**

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(206) 464-1811 facsimile

Attorneys for Plaintiffs